

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 941 - SB 797

March 4, 2019

SUMMARY OF ORIGINAL BILL: Removes the \$180 fee for an individual petitioning the court for an expunction of certain criminal offenses. Removes the \$350 fee for a defendant applying for expunction of an offense following the completion of a diversion program.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – \$144,000/District Attorneys Expunction Fund
\$1,401,000/TBI

SUMMARY OF AMENDMENT (005117): Adds sections to the bill that delete references to the removed expunction fees.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-32-101(g)(2)(9), an eligible petitioner is required to pay the court a \$180 fee for filing a petition to expunge eligible records; \$50 of each fee is remitted to the Tennessee Bureau of Investigation (TBI) and \$130 is remitted to the District Attorneys Expunction Fund.
- The proposed legislation eliminates fees associated with filing petitions for expunction of certain records.
- The proposed legislation will lead to a recurring decrease in state revenue to the District Attorneys Expunction Fund estimated to be \$144,010.
- Pursuant to Tenn. Code Ann. § 40-32-101(d)(2)(A), defendants petitioning the court for expunction of records for dismissed charges resulting from the completion of a diversion program are assessed a \$180 fee for such expunction; the entire \$180 is remitted to TBI.
- Tennessee Code Annotated § 40-32-101(d)(2)(C) and § 40-35-313(d)(2) erroneously reference a \$350 fee for such an expunction.
- Based on information provided by TBI, collection of a \$180 fee for such expunction was implemented in FY18-19.

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- Removing the \$180 fee for filed petitions will result in a recurring decrease in state revenue of \$1,401,000 to the TBI.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj